

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

ORDER

For the reasons stated in the accompanying Memorandum
Opinion, it is hereby

ORDERED that:

- (1) Plaintiffs' Motion to Strike is DENIED;
 - (2) Plaintiffs' Motion to Dismiss is GRANTED in part and DENIED in part, in that all counts of Defendants' Counterclaim and Third-party Complaint, except for Count 9, Count 11, and Count 12, are DISMISSED as to Plaintiffs;
 - (3) Third-party Defendant Lonny McClung's (McClung) Motion to Strike is GRANTED and Defendants' Counterclaim and Third-party Complaint is DISMISSED as to McClung;
 - (4) Third-party Defendant Ronald Doeve's (Doeve) Motion to Strike is GRANTED and Defendants' Counterclaim and Third-party Complaint is DISMISSED as to Doeve;

- (5) Third-party Defendant Doeve's Motion to Dismiss is DENIED as moot;
- (6) Third-party Defendants Jerry Nims (Nims) and Orasee Corp.'s (Orasee) Motion to Strike is GRANTED and Defendants' Counterclaim and Third-party Complaint is DISMISSED as to Nims and Orasee;
- (7) Third-party Defendants Nims and Orasee's Motion to Dismiss is DENIED as moot, and
- (8) Defendants shall have fourteen (14) days to file an Amended Counterclaim and/or Amended Third-party Complaint.

/s/

CLAUDE M. HILTON
UNITED STATES DISTRICT JUDGE

Alexandria, Virginia
May 19, 2006